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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,170	07/27/2000	Jean Pierre De Vries	3382-53710	9560

7590 05/07/2003

One World Trade Center
121 S W Salmon Street
Suite 1600
Portland, OR 97204

EXAMINER

VUONG, QUOCHIE N B

ART UNIT	PAPER NUMBER
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2685

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DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,170

Applicant(s)

DE VRIES, JEAN PIERRE

Examiner

Quochien B Vuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4 . 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 02/16/01 and 01/02/02 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Degnbol (WO00/22860).

Regarding claim 1, Degnbol (figure 1) discloses in a data communications network having a plurality of mobile personal inform devices and at least one server computer, a method of providing a place-and-people based information service run on the at least one server computer to users operating the mobile personal information devices, comprising: defining for a user of the information service a list of people (page 9, line 31 – page 10, line 3); receiving reports of locations of the mobile personal information devices operated by the user and by the listed people (see broken arrows in figure 1); determining based on the reported locations which of the listed people are within a specified proximity of the user (page 10, lines 16-21); and transmitting information identifying which of the listed people are within the specified proximity of the user to the user's mobile personal information device (see solid arrows in figure 1; page 9, lines 16-24).

Regarding claim 2, Degnbol discloses the method of claim 1 further comprising transmitting the information in response to a search request submitted by the user (page 17, lines 5-10).

Regarding claim 3, Degnbol discloses the method of claim 1 further comprising: detecting that the determination of which of the listed people are within a specified proximity of the user has changed as a result of any of the reports of locations; and transmitting the information in response to the detecting (page 11, line 28 – page 12, line 2).

Regarding claim 4, Degnbol discloses the method of claim 1 wherein the specified proximity is user controlled via setting a user-specified proximity parameter (page 8, lines 22-29, and page 11, lines 5-11).

Regarding claim 5, Degnbol discloses the method of claim 1 further comprising: maintaining visibility parameters per each of the listed people; and omitting to identify those of the listed people whose visibility parameter is set to not visible from the transmitted information (page 11, lines 16-26).

Regarding claim 6, Degnbol discloses the method of claim 1 further comprising: user-controllably setting a notification enabling parameter to disable the transmitting the information to the user's mobile personal information device (page 10, lines 22-24, and 28-29).

Regarding claim 7, Degnbol discloses the method of claim 1 further comprising: defining for the user a plurality of groups of the listed people; designating for the user to receive the information of a subset of the groups; and excluding those of the listed people not in the designated subset from identification in the transmitted information (page 9, line 31 – page 10, line 11).

Regarding claim 8, Degnbol (figure 1) discloses a place-specific buddy list service system operated on server computers of a distributed data communications network for access from personal data communications computers, the system comprising: a database maintaining a people/place state for a user of the service, the people/place state enumerating at least one group of people also using the service and locations of such people (page 9, line 31 – page 10, line 3); a people location tracker

operating responsive to reports of the location of the people to update the people/place state (see broken arrows in figure 1); and an inference engine operating to process the people/place state to infer which of the people are in the user's proximity (page 10, lines 16-21), and to generate a notification for the user having information identifying the people inferred to be in the user's proximity (see solid arrows in figure 1; page 9, lines 16-24).

Regarding claim 9, Degnbol discloses the system of claim 8 further comprising an eventing engine operating responsive to a change in the people/place state to cause the inference engine to process the inference and generate the notification (page 11, line 28 – page 12, line 2).

Regarding claim 10, Degnbol discloses the system of claim 8 further comprising a search engine operating responsive to a user-initiated search request to cause the inference engine to process the inference and to cause the notifier to generate the notification (page 17, lines 5-10).

Regarding claim 11, Degnbol discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the notification in accordance with a set of parameters, including a visibility parameter associated with a person enumerated in the people/place state, the inference engine operating to exclude the person when the visibility parameter is set to a not visible value (page 11, lines 16-26).

Regarding claim 12, Degnbol discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the

notification in accordance with a set of parameters, including a proximity scope parameter to control a scope within which the people are considered to be in the user's proximity (page 8, lines 22-29, and page 11, lines 5-11).

Regarding claim 13, Degnbol discloses the system of claim 8 wherein the inference engine further operates to infer resources other than the people are in the user's proximity, and to include information of such other resources in the notification (page 17, lines 5-18).

Regarding claim 14, Degnbol discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the notification in accordance with a set of parameters, the inference engine responding to user selection of one of a plurality of user-defined modes specifying settings of the parameters to apply the parameter settings specified in the user-selected mode (page 10, lines 17-33).

Regarding claim 15, Degnbol discloses the system of claim 14 wherein the parameters comprise a visibility parameter controlling whether the user is to be included for purposes of generating notifications to other people using the system, a proximity scope parameter controlling a scope within which the people are considered to be in the user's proximity, and people selection parameter designating a subset of the at least one group of people to include in the notification to the user (page 10, lines 5-11, and 17-33).

Regarding claim 16, Degnbol discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the

notification in accordance with a set of parameters, the value of at least one of the parameters varying by place (page 10, lines 17-23).

Regarding claim 17, Degnbol discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the notification in accordance with a set of parameters, the value of at least one of the parameters varying by time (page 10, lines 17-21, and 28-29).

Regarding claim 18, Degnbol (figure 1) discloses a computer-readable medium having programming carried thereon of an information service providing notifications as to proximity of listed persons, the carried programming comprising: program code operating responsive to user control to manage a listing of persons (page 9, line 31 – page 10, line 3); program code operating responsive to place-detecting equipment to track locations of the user and the listed persons (see broken arrows in figure 1); program code operating to process the tracked locations and identify those of the listed persons whose locations correlate with that of the user in accordance with settings of a plurality of parameters (page 10, lines 16-21); and program code operating to provide information of the identified persons to the user (see solid arrows in figure 1; page 9, lines 16-24).

Regarding claim 19, Degnbol discloses the computer-readable medium of claim 18 wherein the carried programming further comprises: program code operating to apply parameter settings specific to a place in which the user is located to the identification of those of the listed persons whose locations correlate with that of the user (page 10, lines 17-23).

Regarding claim 20, Degnbol discloses the computer-readable: medium of claim 18 wherein the carried programming further comprises: program code operating to apply parameter settings specific to an activity in which the user is engaged to the identification of those of the listed persons whose locations correlate with that of the user (page 14, line 27 – page 15, line 11).

Regarding claim 21, Degnbol discloses the computer-readable medium of claim 18 wherein the carried programming further comprises: program code operating to apply parameter settings specified per a time schedule to the identification of those of the listed persons whose locations correlate with that of the user (page 10, lines 17-21, and 28-29).

Regarding claim 22, Degnbol discloses the computer-readable medium of claim 18 wherein the carried programming further comprises: program code operating responsive to user selection of a subset of the listed persons to limit the identification of those of the listed persons whose locations correlate with that of the user to the user-selected subset (page 10, lines 5-11).

Regarding claim 23, Degnbol discloses the computer-readable medium of claim 18 wherein the carried programming further comprises: program code operating responsive to setting of a visibility parameter for a person as not visible to exclude the person from the identification of those of the listed persons whose locations correlate with that of the user (page 11, lines 16-26).

Regarding claim 24, Degnbol (figure 1) discloses a method of facilitating group communications, comprising: storing data defining a group of persons and their

locations (page 9, line 31 – page 10, line 3); continually updating the data with persons' current locations (see broken arrows in figure 1); continually processing the data to identify at least one subset of the group whose locations correlate to within a given proximity (page 10, lines 5-11, and 16-21); providing notifications to those, in the at least one subset, the notifications including a reference to a group communications medium session for use by an individual in the at least one subset to establish a connection to the session (see solid arrows in figure 1; page 9, lines 16-24).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Foladare et al. (U.S. Patent Number 5,946,626) disclose a method and system for determining location of subscriber of two-way paging service.

Jenkins (U.S. Patent Number 6,377,793) discloses a system and method of accessing and recording messages at coordinate way points.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

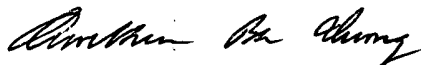
Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA 22202. Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377.

QUOCHIEN VUONG
PATENT EXAMINER



Quochien B. Vuong
April 30, 2003.